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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BAYERL, RAYMOND J

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 07/17/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/687,987

Applicant(s)

VERTASCHITSCH ET AL.

Examiner

Raymond J. Bayerl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 2, 4 - 8, 10 - 12, 14 - 15, 17 - 19, 21 is/are rejected.
- 7) ☒ Claim(s) 3, 9, 13, 16 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

1. The attempt to incorporate subject matter by reference to assorted related US applications and patents at page 11, lines 15 – 16, page 16, lines 18 – 19, page 18, lines 14 – 15, page 22, line 6 is improper because the US Serial and/or Patent Numbers have not been provided

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the set of textual legends for their “blank-box” elements in figs 2, 3 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1 – 2, 4 – 8, 10 – 12, 14 – 15, 17 – 19, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen (“Nguyen”; US #5,797,089) in view of Pardo (“Pardo”; US #6,266,539 B1).

As per the “first processor configured to run user applications” that is linked via a “communications link” to “a baseband processor...configured to control operations of” “a telephone device” (independent claims 1, 14), please note the structure of Nguyen’s PERSONAL COMMUNICATIONS TERMINAL: a functional unit 31 connects via a mobile data interface 34 to telephone unit 32 (col 4, lines 27 – 42). The telephone unit 32 interfaces with a transmit subsystem (col 5, lines 24 – 37).

While Nguyen does not enter into **explicit** details about the operations supported by the telephone unit, such as to “display current telephone operations information” or to run a “telephone device control program” (independent claim 11), Pardo, in DOCKING a TELEPHONE to a PERSONAL DIGITAL ASSISTANT has a connection to the PDA that uses various modem protocols (col 6, lines 11 – 50). The Telephony Screens can include Dialing Status (col 7, line 48 – col 8, line 40; figs 4 – 5).

It would have been obvious to a person having ordinary skill in the art at the time of applicant’s invention to use a telephone unit in Nguyen that has the autonomous processing capability of Pardo’s telephone arrangement, because of the added

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capability in observing and controlling telephony functions that this would provide to the user.

The "AT Command interface" of claims 2, 15 is found in Pardo's use of a serial port that runs a protocol such as AT+V through the modem (col 6, lines 42 – 46; col 7, lines 49 – 67). A "parallel interface" (as in claims 4, 17 ), when this phrase is given a reasonably broad interpretation, is sufficiently read upon by the bus-oriented connections shown in Nguyen's fig 3.

Claim 5's "baseband processor" details, in which "data" is "communicated across the communications link", to "control operations of said telephone device" (see also claim 18), reads upon Nguyen's telephone unit 32, as noted above with respect to claim 1. The "data identifying any of..." in claims 6, 19 further reads upon telephone control information that will pass to such a unit.

Claim 7's "identifying current conditions of said telephone device" is a part of Pardo, as also explained above with respect to claim 1 (see also claim 12), and the "current conditions" options in claim 8 will encompass the types of Status that Pardo returns to the PDA.

The connection of a "PDA" to a "cellular radio integrated within said PDA" (claims 10, 21) is suggested by the combination of a PDA with a radio transmitter-based telephone unit in Nguyen (col 5, lines 9 – 37).

6. Claims 3, 9, 13, 16, 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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While such prior art as Nguyen and Pardo will obviously require the use of a protocol of **some** kind to communicate with their respective telephone unit or modem, the specific incorporation of a "proprietary protocol stack" (claims 3, 16), and especially "a protocol" that is downloaded "from a vendor web site" (claims 9, 13, 20) are not suggested by such disclosures of a more generic nature. While proprietary techniques certainly have been used in a general way in the prior art, the art made of record fails to show this application to a specific communications need.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


The remaining US Patent documents made of record relate to computing devices that are interfaced with telephony equipment.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (703) 305-9789. The examiner can normally be reached on M - F from 9:30 AM to 4:30 PM.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239 for Official submissions, (703) 746-7238 for filings after final rejection and (703) 746-7240 for non-official communications.

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10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173

14 July 2003